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SUMMARY RECORD OF SEVENTH MEETING OF
QUADRIPARTITE WORKING GROUP ON GERMANY AND BERLIN
FEBRUARY 23, 1960

Participants:France

Mr. Winckler
 Mr. Manet
 Mr. Curien

Germany

Mr. Pauls
 Mr. Osterheld

United Kingdom

Viscount Hood
 Mr. Logan

United States

Mr. Hillenbrand
 Mr. McSweeney
 Mr. Kearney
 Mr. Wehmeyer
 Mr. McKiernan
 Mr. Dean

Defense - Col. Schofield

Mr. Hillenbrand opened the meeting by noting that the Group's report to NATO had met with some success during NATO discussion of it and that NATO members had shown understanding for the problems with which the Group has to contend. In practical terms this meant that we probably would not be faced with the necessity of a new report to NATO for a week or two.

Mr. Hillenbrand pointed out that the Soviets had released the Smirnov text of the letter to Ollenhauer on Berlin which could be taken as part of a conscious pre-summit demonstration of Soviet insistence on a hard Berlin line.

Mr. Hillenbrand stated that the subgroup working on the Soviet intentions paper had agreed on new wording of the paper for possible reference to governments, but that it was not intended that the Quadripartite Group take up the paper again until the summit meeting itself was closer at hand, though the subgroup might meet at any time as events dictated.

Mr. Hillenbrand said that he would like to open discussion of the papers tabled by the French early in the work of the Quadripartite Group. Regarding the French paper on principles of a Berlin settlement (II WNO/5.3), Mr. Hillenbrand stated that we had no objection to the contents of the paper. Yet, although we have no proposed amendment of previous Western positions of any sort to advance, we felt the Group should not freeze itself in an

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inflexible position or preclude itself from the study of other proposals. This would particularly be the case with regard to paragraph one of the French paper, which stated unequivocally that there must be no change whatever in the juridical status of Berlin. In terms of content the French paper was unobjectionable to us since most of the principles noted were in essence contained in the Western position at Geneva. Mr. Pauls said the Germans were in full agreement with the French statement of principles, including paragraph one on juridical status. Lord Hood stated that he shared the American approach on this question.

Turning to the French paper discussing the pros and cons of a hypothetical new statute for Berlin (II WNG/1.2), Mr. Hillenbrand said the paper implied that the disadvantages of a new statute would outweigh its potential advantages. This might well be the case. Nevertheless, it would be useful to examine the various points made, for example, the statement that the NATO guarantee for Berlin might be invalidated through a change of status in Berlin. Mr. Hillenbrand noted that Article 2 of the Protocol accepting Greece and Turkey as new NATO members stressed that the area to be protected by the Alliance included the territory of all members as well as areas in which member states had occupation forces at the time the treaty came into effect. This obviously included Berlin. Lord Hood said he shared Mr. Hillenbrand's general opinion of the French paper. He also agreed with his interpretation of the NATO point, which was confirmed by the form taken by the 1954 Declaration of the Three Powers in London and subscribed by NATO itself in October of 1954. He did not believe that a change in status in Berlin would annul the NATO guarantee for the city. The question of whether disadvantages would flow from the new statute for Berlin could not be answered in a vacuum but would depend on the actual content of a new statute. He could only conclude that the right approach to the question was the American approach of establishing minimum requirements.

Mr. Pauls said that he could agree to the point about NATO guarantee mentioned by Mr. Hillenbrand and Lord Hood. Though, theoretically, the advantages of a new statute would depend on its actual content, the French objection seemed justified. The German side opposed any such new statute and strongly preferred to stick to the present status of Berlin. In the undesirable event that any change in the Berlin status were to be considered, a new status should be proposed only for the whole of Berlin as per earlier occupation agreements. One practical reason for German opposition to a new status was that such status was almost unthinkable without participation in some form of the Soviet Zone regime. The disadvantages of a new status were overwhelmingly greater than that of the old. Lord Hood noted that his remarks concerned logic and method only and that no conclusion should be drawn from them as to the final U.K. position. Mr. Hillenbrand said this was also true for the U.S.

Mr. Winckler said it was not the object of the French paper to freeze
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the position taken by the Working Group. It was to emphasize the primacy of the Western legal position in Berlin which could not be divorced from the political situation. If the present status were to be abandoned, the present situation would become very fragile and the presence of Western forces would be dependent either upon agreement of the GDR or of the Soviets. The paper had been submitted with the idea that the Working Group could examine the consequences of each possible position taken -- maintenance of present position and a changed position -- and he would like to suggest that the Group concern itself with such a study. Mr. Hillenbrand said that this was a useful idea and it might be possible to carry it out without having a specific proposal for a new status before the Group. He suggested that the French side prepare itself to present in greater detail a description of the possible consequences in either case and that the U.S. side would also do this. The results could then be compared at the next meeting of the Group.

Mr. Hillenbrand said that it would be interesting to know if the French and Germans were of the opinion that any negotiated settlement of the Berlin question were possible at present or whether, considering an agreement out of the question, the problem reduced itself to the tactical one of eventually terminating negotiations under the best circumstances. Second, it would be useful to have their thinking as to what, if there were no agreement on Berlin at the summit, or at some point thereafter, the French and Germans would then expect the Soviets to do.

Mr. Winckler said that the French view was that a negotiated settlement on Berlin was possible but that it was up to the Soviets to propose an acceptable one. If the meeting resulted in no agreement, then a demonstration of determination on the Western side was the only way to prevent a crisis since it was necessary for the Western position to avoid increasing Soviet appetites to the point of miscalculation and the commencement of conflict. Mr. Pauls said the German side believed that it was theoretically possible to achieve an agreed position on Berlin at the summit but it was highly likely that the price would be much too high for the benefits gained. It was likely to weaken rather than strengthen the close ties between the Federal Republic and Berlin and would almost without question lead after a time to a new crisis. This was because the basic aim of the Soviets was not to replace the occupation status of the Western powers of Berlin with a newly negotiated status, but to force the Western powers out of Berlin and to take over the city. In the event of a new crisis following a new agreement, the West would be in a still worse position than at the moment. A new status would have detrimental effects on the Berlin population. The Soviets would at some point claim violation of the agreement made and where would we be then?

Mr. Hillenbrand said the German position meant in effect that the West must expect a breakdown of negotiations at some point while the French position was that if we were firm enough the Soviets would agree to an improvement in the Berlin status. Mr. Pauls said the German side considered

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the present agreements workable and were willing to stay with them. Lord Hood said it was an unreal distinction to claim that all new agreements which might be concluded with the Soviets were open to violation by the Soviets; this point affected present agreements as well as possible future ones. He noted that earlier agreements with the Soviets had not conferred their present rights in Berlin on the Western powers but had merely specified how these rights would be exercised; there was no question of extinguishing Western rights in Berlin which derived from defeat of Germany. The only question still open was to see if these rights could be applied in some other way.

Mr. Hillenbrand turned to the U.S. paper on minimum requirements for maintaining the allied position of Berlin (II WWG/1.9). He noted that as a result of suggestions by readers of the paper its title would be changed to Minimum Requirements for Maintenance of the Western Position in Berlin. He said the paper was unclear on the degree to which dealings with the Soviet Zone regime might be permissible. He suggested that the paper be discussed point by point at the same time as the detailed discussion of the French paper on a hypothetical new status for Berlin. Mr. Winckler pointed out the American paper did contain a number of questions which merited closer examination; for example, could the paper in its present form apply even to the Soviet proposal for a "free city"? To whom should injured parties apply for redress of grievances mentioned in the paper? To whom would the Western forces apply for their guidance and direction and with whom should freedom of access mentioned in the paper be established? The paper did not mention duration of a Berlin agreement as being an essential factor.

Mr. Pauls said he also had some comments on the American paper. The German side believed it essential that the security force mentioned in the paper be Western forces, that the security guarantee be a NATO guarantee, that the Federal Republic continue to represent the interests of West Berlin abroad, and that current procedures for application of Federal law in West Berlin be maintained rather than merely stating that a procedure for taking over Federal laws is desirable. The German side would also like to add a further requirement that any Berlin settlement should have the consent of the population of the city. Mr. Hillenbrand said that the U.S. paper had been drawn up in somewhat more general terms than was reflected in these questions but that an effort would be made to amend it in accordance with them.

Mr. Pauls presented the German paper on principles of a Berlin settlement (II WWG/1.11) stressing the conclusion of the paper that the status quo was preferred to any change now considered possible. Mr. Pauls emphasized that in presenting this conclusion the German side did not wish to limit further discussion of the Berlin question by the Quadripartite Group but merely wished to note it for the record. Mr. Hillenbrand asked whether the German minimum requirements did not in effect exceed the status quo.

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